

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ROGER WAHL)	MB Docket No. 21-401
)	
WQZS(FM), Meyersdale, PA)	Facility ID No. 57424
)	

ORDER SUMMARIZING INITIAL STATUS CONFERENCE

Issued: March 10, 2022

Released: March 10, 2022

Appearances: Roger D. Wahl, pro se; Pamela S. Kane, Esq., Anya Baez, Esq., and Jeffrey Gee, Esq., on behalf of the Enforcement Bureau, Federal Communications Commission

1. This Order summarizes the initial status conference conducted in the above-captioned matter held on March 8, 2022. The purpose of the initial status conference was to establish a schedule for discovery and the filing of pleadings in this proceeding.

2. The FCC's Media Bureau initiated this hearing proceeding on October 19, 2021, by Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing.¹ This hearing will be based on a written record pursuant to sections 1.371 through 1.377 of the Commission's rules, 47 CFR § 1.371 – 1.377.² The schedule established during the prehearing conference is as follows:

Deadline for Completion of Discovery	September 8, 2022
Enforcement Bureau's Affirmative Case Due	October 10, 2022
Roger Wahl's Responsive Case Due	November 9, 2022
Enforcement Bureau's Reply Case Due	November 30, 2022

In addition, pursuant to section 1.376 of the Commission's rules, 47 CFR § 1.376, either party may file a motion to request an oral hearing after submission of the pleadings. The Presiding Judge has determined that two weeks after the due date for the Reply Case is sufficient time for the parties to assess whether to seek an oral hearing on particular issues. Accordingly, the following deadlines are added:

Deadline to File Motion to Request Oral Hearing	December 14, 2022
Deadline to File Motion to Request Additional Pleadings ³	December 14, 2022

¹ *Roger Wahl*, Hearing Designation Order, Order to Show Cause, and Notice of Opportunity for Hearing, MB Docket No. 21-401, DA 21-1305 (MB Oct. 19, 2021) (*Wahl HDO*).

² *Wahl HDO* at para. 11.

³ Subsequent pleadings, including surreplies, briefs, and proposed findings of fact/conclusions of law, are not permitted by the Commission's rules except at the discretion of the Presiding Officer. 47 CFR § 1.375.

3. During the status conference, the Presiding Judge took the opportunity to clarify some of the formal hearing procedures applicable to this case. In particular, she noted that a party may self-represent or be represented by an attorney, but may not be represented by another person.⁴ She also reiterated two points already made in her January 27, 2022, order in this case.⁵ First, this proceeding is restricted pursuant to the Commission's *ex parte* rules, such that a party may not unilaterally communicate with the Presiding Judge or her staff. If a party wishes to contact the Presiding Judge regarding a substantive matter, the opposing party must be afforded an opportunity to participate in the conversation.⁶ Second, all submissions in this matter must be filed electronically using the FCC's Electronic Comment Filing System (ECFS). At the same time, those documents are to be served on the other party via email, with courtesy copies provided to the Presiding Judge and her Special Counsel.⁷ Submissions that are not properly served are in peril of being disregarded by the Presiding Judge.⁸ Finally, the Presiding Judge emphasized that failure to adhere to the Commission's hearing regulations and procedures, including filing deadlines, could lead to dismissal of this proceeding with prejudice.

4. Accordingly, **IT IS ORDERED** that the hearing schedule delineated herein **IS ADOPTED**.

5. **IT IS FURTHER ORDERED** that all written submissions in this proceeding shall be filed using the Commission's Electronic Comment Filing System (ECFS) by 11:59 PM on the filing date.

6. **IT IS FURTHER ORDERED** that the parties shall serve all filings on each other via electronic mail.

7. **IT IS FURTHER ORDERED** that the parties are reminded that they are expected to be fully cognizant of Part 1 of the Commission's rules concerning practice and procedure, 47 CFR Part 1, Subparts A and B.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge

⁴ 47 CFR § 1.21.

⁵ *Roger Wahl*, Order Rescheduling Status Conference, MB Docket No. 21-401, FCC 22M-02 (ALJ Jan. 27, 2022).

⁶ 47 CFR § 1.1208.

⁷ Courtesy copies of motions, pleadings, and other submissions are to be emailed to the Presiding Judge (Jane.Halprin@fcc.gov) and Special Counsel John B. Adams (JohnB.Adams@fcc.gov).

⁸ 47 CFR § 1.371(n).